

Attorney Docket No.:ECD-004  
Application Serial No.: 10/023,424  
Reply to Office Action of: November 10, 2004

REMARKS

Claims 1-63 are pending in the present application.

The Applicant notes, with appreciation, that the Office Action indicates at page 3, paragraph 5, that claims 1-55 are allowed.

The Applicants further note that receipt of the Information Disclosure Statement filed March 25, 2003 and the Electronic Information Disclosure Statement filed May 10, 2004 have not yet been acknowledged in the application. The Applicants respectfully request that an initialed copy of the submitted documents be included with the next official paper transmitted by the Office as confirmation of receipt of the Information Disclosure Statements, and as confirmation of consideration of the listed references.

With regard to paragraph 2) of the Office Action, the Applicant notes that reference BP (DE 19842392, submitted for consideration in the Information Disclosure Statement dated October 6, 2004) is related to reference BL (EP 0987705, submitted for consideration in the Information Disclosure Statement dated May 10, 2004). An English-language translation of reference BL, as filed in the United Kingdom patent office, was submitted by the Applicant for consideration in an Information Disclosure Statement on August 13, 2004. The Applicant notes that the Examiner acknowledged receipt of the translation of reference BL on November 5, 2004 in the Office Action dated November 10, 2004.

The drawings stand objected to for reasons stated in the Office Action. The Applicant submits that the features of "...distorting a region of the data layer..." (claims 56, 58-60) and "...a distorted region formed at the data layer..." (Claims 57, 61-63) are shown in the drawings of the present specification as filed at least at FIGs. 4A, 4B, and 4C. In this example, distortion regions 22 and 26 are formed on the back side of the disk in the data layer, causing a physical change to the data and associated tracks in the data layer (labeled as layer 9 in FIG. 2 and layers 15 and 16

Attorney Docket No.: ECD-004  
Application Serial No.: 10/023,424  
Reply to Office Action of: November 10, 2004

in FIG. 3). Removal of the objection to the drawings is respectfully requested.

Claims 56-63 stand rejected under 35 U.S.C. 112, first paragraph for reasons stated in the Office Action. With regard to this rejection, reference is made to the specification as filed at least at page 14, line 27 - page 15, line 19, where it is recited that "the back side, or label side, instance 22 actually causes real change to the geometry of the physical data...". Reference is further made to FIGs. 4A, 4B, and 4C, which illustrate distortion regions 22, 26 that are formed in the data layer. In this example, a region of the data layer is distorted to cause a corresponding modification of a reading operation of the data. It is therefore believed that the written description requirement is met in support of the invention as claimed in claims 56-63. Removal of the rejection and allowance of claims 56-63 are respectfully requested.

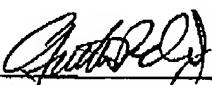
In view of the above, it is respectfully submitted that all claims are in condition for allowance, and such allowance is respectfully requested.

Closing Remarks

It is submitted that all claims are in condition for allowance, and such allowance is respectfully requested. If prosecution of the application can be expedited by a telephone conference, the Examiner is invited to call the undersigned at the number given below.

Respectfully submitted,

Date: January 13, 2005  
Mills & Onello, LLP  
Eleven Beacon Street, Suite 605  
Boston, MA 02108  
Telephone: (617) 994-4900, Ext. 4902  
Facsimile: (617) 742-7774  
J:\ECD\0004\AA\Amendments.wpd

  
Anthony P. Onello, Jr.  
Registration Number 38,572  
Attorney for Applicant